

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: June 9, 2010

CALLED TO ORDER: 5:37 p.m.

ADJOURNED: 6:12 p.m.

ATTENDANCE

Attending Members

Benjamin Hunter, Chair
Bob Cockrum
Mary Moriarty Adams
William Oliver
Marilyn Pfisterer
Christine Scales
Ryan Vaughn

Absent Members

Vernon Brown

AGENDA

PROPOSAL NO. 152, 2010 - approves a crime prevention initiative grant award in the amount of \$39,000 to Devington Community Development Corporation as recommended by the Crime Prevention Advisory Board and as approved by the Mayor

“Do Pass”

Vote: 7-0

PROPOSAL NO. 127, 2010 - amends the Code to rename, as the division of homeland security, the emergency management planning division of the department of public safety, and to make other technical corrections

“Do Pass as Amended”

Vote: 7-0

PROPOSAL NO. 170, 2010 - approves the Office of Finance and Management's application for disbursement of funds from the Edward Byrne Memorial Justice Assistance Grant program

“Do Pass”

Vote: 7-0

PROPOSAL NO. 171, 2010 - appropriates \$26,766 in the 2010 Budget of the Marion Superior Court (Federal and Local Grants Funds) to fund the purchase of supplies and computer equipment for JDAI project research assistants, small furniture items for the Juvenile Reception Center, and supplies and treatment services for Community Court participants

“Do Pass”

Vote: 7-0

PROPOSAL NO. 172, 2010 - appropriates \$21,000 in the 2010 Budget of the Marion County Sheriff's Department (Federal Grants Fund) to fund the salary of a grant program coordinator to organize and manage training efforts associated with the sex offender unit

"Do Pass"

Vote: 7-0

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, June 9, 2010. Chair Benjamin Hunter called the meeting to order at 5:32 p.m. with the following members present: Bob Cockrum, Mary Moriarty Adams, William Oliver, Marilyn Pfisterer, Christine Scales and Ryan Vaughn. Absent was Vernon Brown. Representing Council staff was Robert Elrod, General Counsel.

Chair Benjamin Hunter asked all Councillors to introduce themselves and state which district they represent.

PROPOSAL NO. 152, 2010 - approves a crime prevention initiative grant award in the amount of \$39,000 to Devington Community Development Corporation as recommended by the Crime Prevention Advisory Board and as approved by the Mayor

Councillor Vaughn said that Proposal No. 152, 2010 was originally a part of the crime prevention grant rewards and unanimously passed out of the committee. He said that before the proposal was heard by the full Council, it was discovered that the individual who was charged with directing the program for the Devington Community Development Corporation passed away, and there was some uncertainty as to whether this particular program would continue to exist. He said that the full Council struck the appropriation from the proposal and made a public commitment to investigate the details. Councillor Vaughn said that he has met with the Devington Community Development Corporation and their representative, and he has met the new person that they recently hired to run the program. He said he feels confident that the program is in place and that it is time to grant them the money that they were awarded by the board.

Councillor Vaughn moved, seconded by Councillor Oliver, to forward Proposal No. 152, 2010 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

Councillor Oliver commended President Vaughn for stepping up and responding to the wishes and needs of this program.

PROPOSAL NO. 127, 2010 - amends the Code to rename, as the division of homeland security, the emergency management planning division of the department of public safety, and to make other technical corrections

Councillor Vaughn moved, seconded by Councillor Moriarty Adams, to "Amend" Proposal No. 127, 2010 as described in Exhibit A, which is attached. The motion carried by a vote of 7-0.

Mark Mertz, Assistant Corporation Counsel, said that it is his understanding that the Committee had questions that could not be answered at the time this proposal was first introduced. Chair Hunter said that the main question referred to Sec. 251-231 (d) (8), with respect to civil service and Indiana Code. He said that his question was if the council referenced in this section still exists. Mr. Mertz answered in the affirmative, and stated that Indiana Code (IC) 10-4-1-10 was repealed seven years ago and replaced with a new chapter. He said that with the repeal, the local government's authority to designate who they wanted to be their own civil defense council went away. Under the new statute, the State decides what the local council is and who the members of that council are. Mr. Mertz said, therefore, this section of the current ordinance was stricken,

because there is no authority for the Board of Public Safety to act in that capacity. Mr. Mertz added that another change in Sec. 251-402 strikes the definition of civil defense. He said this was another carryover from the repealed statute. Chair Hunter said that the amendment addresses that.

Councillor Vaughn moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 127, 2010 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 170, 2010 - approves the Office of Finance and Management's application for disbursement of funds from the Edward Byrne Memorial Justice Assistance Grant program

Chair Hunter stated that there is a breakdown of the disbursements on page five of the ordinance.

Councillor Moriarty Adams asked if the firearms training stimulator (FATS) is a new one. Frank Straub, Director, Department of Public Safety (DPS), answered in the affirmative. Councillor Moriarty Adams asked if they received money back from the old ones. Director Straub said that if there is money to get back, he guesses that it will be pretty minimal.

Chair Hunter asked if DPS will manage the cell phone pinging technology, or if they will manage it with the cooperation of the Metropolitan Emergency Communications Agency (MECA). Director Straub answered that the Investigations Detective Division of the Indianapolis Metropolitan Police Department (IMPD) will manage this.

Councillor Scales asked for details about the youth programming. Director Straub answered that there is a program currently taking place that is funded under a Department of Justice Community Policing grant that got transferred from his previous employer in White Plains to Indianapolis. He said the program began a number of years ago in the city of Baltimore when the North American Family Institute (NAFI) was approached by the police department to do a one-day training session for recruits on the realities of dealing with young men and women in a city environment as opposed to a rural environment. Director Straub said that NAFI was engaged in the process to bring young men and women to the police academy for the purposes of training and sharing experiences with recruit police officers, as well as to work with the officers about the effect that officer behavior has on young men and women in any environment. He said that the program has been duplicated in many other cities with very successful results. They believe that the program represents a unique opportunity to put police officers and the members of the community in which they serve in an environment to work through and discuss difficult issues and challenges that confront both the police officers and the community. He said the results in White Plains indicated that youth police relations and community relations were improved, and there were no youth-involved homicides, no instances of youth involved in gun fire, or any other violent acts from 2006 to 2010. Director Straub said that the Council felt that this was a program that should be replicated, and DPS feels that this is an appropriate use of a portion of the Juvenile Assistance Grant (JAG), but it will not be the only program that will be used.

Councillor Scales said that it appears that as part of the program, IMPD will go into some of the junior high and elementary schools. She asked how students will be selected and referred to

enter the program. Director Straub answered that the program is currently being done at a faith-based organization in the East District, and that organization selected the students to participate in the program, while district commander Chad Knecht selected the officers to participate. Director Straub said that they plan to use this program in multiple venues, and their goal for the funding stream is to create a training program that will make the City self-sufficient, so that the City will not have to pay NAFI or any other organization in the future.

Councillor Oliver asked, with reference to the district staffing and design discussed on page four, how the balance of staff is achieved. He said oftentimes, crime is addressed in one area and then shifted to another area. Director Straub answered that crime analysis has greatly evolved, and they not only look at hot spots in terms of crime only, but they are also looking at hot spots in terms of socio-economic and public health factors. He said they have engaged with the Department of Metropolitan Development (DMD), Dr. Virginia Caine with Health and Hospital Corporation (HHC), and a professor with Indiana University-Purdue University at Indianapolis (IUPUI) to create multi-layered geographical maps that will give them layers of information on public health, foreclosed homes, poverty, unemployment, teenage pregnancy and smoking, communicable diseases, sexually transmitted diseases (STDs) and crime data. Director Straub said that this is a process that is moving across the country and advancing policing with the idea of predictive policing. He said the question is if they can get an idea of where they think crime is going to occur based on the multi-layered mapping system and get a true understanding of what is happening in communities. He said if reasonable predictions can be made, then the idea is to get ahead of it so that it is not displaced and is prevented from spreading. He said they want to be able to build policing strategies to prevent crime versus responding and reacting to it.

Councillor Cockrum asked if the Indianapolis Mapping and Geographic Information System (IMAGIS) System is being used to record the mapping data. Director Straub answered in the affirmative, and stated that they are using a variety of Geographic Information Services (GIS) components. Councillor Cockrum said that the IMAGIS organization is a consortium of government entities, utilities and HHC that updates the maps every year or every other year.

Councillor Moriarty Adams referenced the "Training" section of the grant on page three of the ordinance, and asked if the Chief would be gone for a three-week period. Director Straub answered in the affirmative, and stated that this process actually began this year with six people from the DPS staff attending. He said that the six people include: John Mays, Deputy Director; Lieutenant Mark Wood, Crime Analysis Initiatives Unit; Commander Lloyd Crowe; Commander Cliff Meyers; Major Chris Dahlke; and Major Chris Boomershire. Director Straub said that this is a program that the Police Executive Research Forum runs in conjunction with Harvard University, and all of the professors in the program are from Harvard Kennedy or Business School. Councillor Moriarty Adams asked if the training takes place over a three-year period. Director Straub answered in the negative. Councillor Moriarty Adams asked if all of the department's leadership will attend the training at once. Director Straub answered in the negative, and stated that there are three different sessions of three-week training periods.

Chair Hunter said that this is a general resolution and is a disbursement of grant funds submitted in care of the JAG grant. He asked if it is correct that the money has not been received. Director Straub answered that this is correct. Chair Hunter asked if this is an insight to where the dollars will be allocated if the money is received. Director Straub answered in the affirmative.

Councillor Moriarty Adams moved, seconded by Councillor Hunter, to forward Proposal No. 170, 2010 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 171, 2010 - appropriates \$26,766 in the 2010 Budget of the Marion Superior Court (Federal and Local Grants Funds) to fund the purchase of supplies and computer equipment for JDAI project research assistants, small furniture items for the Juvenile Reception Center, and supplies and treatment services for Community Court participants

Jamila Green, Marion County Superior Court, said that the requested amount is for three of their federal and local grants. She said that \$13,860 will fund the purchase of supplies and computer equipment for the Juvenile Detention Alternative Initiative (JDAI) project. She said that this grant was received to assess Marion County's readiness to reduce the disparity of minorities in the juvenile justice system. She said this is a one-year grant that they received from the Indiana Criminal Justice Institute (ICJI), and they have already begun working with the Haywood Burns Institute.

Ms. Green said they are also requesting \$12,906 to purchase community work service supplies for their Community Court and their substance abuse treatment for defendants who have been ordered to undergo substance abuse treatment.

Councillor Vaughn moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 171, 2010 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 172, 2010 - appropriates \$21,000 in the 2010 Budget of the Marion County Sheriff's Department (Federal Grants Fund) to fund the salary of a grant program coordinator to organize and manage training efforts associated with the sex offender unit

Doug King, Chief Financial Officer (CFO), Marion County Sheriff's Department (MCSD) introduced Marianne Green, Grants Manager, MCSD. Ms. Green said that they are asking for an increase in Character 01 funding to assist in paying salary dollars for their Comprehensive Approaches to Sex Offender Management (CASOM) Training and Technical Assistance program manager. She said in 2009, MCSD received approval through Proposal No. 311, 2009 for funds awarded to them from the Department of Justice's Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) office. Part of that funding allowed MCSD to hire a manager to look at their current practices and processes and assist in identifying areas of needs, such as training, keeping up-to-date with current laws, and sharing information between agencies. Ms. Green said that they had funding for the position in their 2009 budget, as well as their 2010 budget. However, they did not spend the funds in 2009 as they anticipated because the program did not begin until after the first of the year. She said that this is why they need a fiscal ordinance to go back and get that 2009 funding to allow them to continue to pay the program manager.

Councillor Vaughn asked how long the grant is for. Ms. Green answered that it is a two-year grant that will expire September 30, 2011. Councillor Vaughn asked if this position will be eliminated in two years. Ms. Green answered that the grant ends in two years, but they see this unfortunate problem as a continuing effort that they need to keep. She said that the program manager and officers are going to other counties, and they have been working on sharing information between

agencies. The program manager coordinated efforts between other counties and the State Sheriff's Association to work on offender watch. Ms. Green said that they are currently working on a grant that they will submit in June to continue this type of program from a Community Oriented Policing Services (COPS) grant application. Councillor Vaughn asked if the manager is an employee of MCSD. Ms. Green answered that the person is a former lieutenant over the Sex Offender Unit, but the position was created, so the former position had to be filled as well.

Councillor Vaughn asked how many employees are with the Sex Offender Unit. Ms. Green answered that she believes there are 13 employees.

Chair Hunter asked if the name of the program is Sex Offender Watch. Ms. Green answered that Offender Watch is the website, but the program is CASOM. Chair Hunter said that he recently attended a meeting of the Indiana Sheriff's Association. He said they did a resolution that all 92 counties would be on one system. He asked if Offender Watch is the system they chose. Ms. Green answered in the affirmative. She said it will allow them to share the information on current practices and laws for officers who do not directly work in the Sex Offender Unit.

Councillor Pfisterer asked if this has anything to do with the sex offender registry where people can go online to see who people are and obtain other personal information. Ms. Green answered in the affirmative, and stated that this may not be the current system, but it is the same concept. She said that Offender Watch is one that officers are able to go into to get additional information that may not be available to citizens. Councillor Pfisterer asked if this funding will go toward the sex offender registry. Ms. Green said that this funding is for the manager of this particular program, but the sex offender registry is part of the program. Councillor Pfisterer said that she has had several constituents inform her that the registry is not current, and she asked how up-to-date it is. Ms. Green said that the officers check the registry every day. She said that there are some who do not comply. This kind of program is used to find the ones that are not registered.

Chair Hunter said that the portal people see through the internet is limited and not always up-to-date, and this has been the frustration. He said that training is to teach law enforcement not to use that portal, but to use one unified system.

Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 172, 2010 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 6:12 p.m.

Respectfully submitted,

Benjamin Hunter, Chair
Public Safety and Criminal Justice Committee

BH/nsm

MOTION TO AMEND
Proposal No. 127, 2010

Mr. Chairman:

I respectfully move to amend Proposal No. 127, 2010 in three (3) instances, as follows below.

Councillor

I.

Proposal No. 127, 2010 shall be and hereby is amended by the substitution of a NEW amendment to Sec. 251-405 for what appears in SECTION 5 of the Proposal, to read as follows:

Sec. ~~251-405~~ 251-404. Administrator Chief; staff.

(a) The ~~emergency management planning division of homeland security~~ shall have an administrator be under the direction of a chief, who shall be appointed by the ~~board~~ director of the department of public safety and shall serve at the pleasure of the ~~presiding officer director. of the board.~~ The administrator shall serve as the county civil defense and disaster director for the purposes of IC 10-4-1 and shall have all the powers and duties of a civil defense and disaster director pursuant to such statutes.

(b) The administrator chief shall be responsible for such paid and voluntary staff members as are necessary to fulfill the duties of the ~~emergency management planning division of homeland security~~. Such staff members shall be subject to any merit system requirements necessary to participate in state and federal funding programs. The ~~emergency management planning division of homeland security~~ may organize such volunteer units, emergency reservist and others as may be necessary to fulfill its duties.

II.

Proposal No. 127, 2010 shall be and hereby is amended by the substitution of NEW amendment to Sections 251-406, 251-407, and 251-408 for what appears in SECTION 5 of the Proposal, to read as follows:

Sec. 251-406. Merit system.

The establishment of a merit system of personnel administration for all employees of the division of ~~emergency management planning of the department of public safety~~ homeland security to be serviced by the state personnel division is hereby authorized. The director of ~~emergency management planning the~~

department of public safety is authorized and directed to enter into such arrangements and agreements with the state department of ~~civil defense~~ homeland security and state personnel division ~~department~~ as may be necessary to provide for a continuing merit program of personnel administration for all ~~emergency management planning division~~ of homeland security employees. The merit program shall be serviced by the state personnel division ~~department~~ pursuant to the authority granted by ~~section 37, chapter 139, Acts of 1941, page 387 of the state personnel act~~ IC 4-15-2-36 and shall meet federal merit system standards of the U.S. Department of Defense, including the exemption of any position from the merit program as is recognized in these same federal standards. For the purposes of administering the merit program for all employees of the division, the director of ~~emergency management planning~~ the department of public safety is hereby considered and designated as the appointing officer.

Sec. 251-407. Emergency communications and warning.

(a) The ~~emergency management planning division of homeland security~~ shall coordinate the development of an emergency communications and warning system ~~which~~ that will allow for the dissemination of warning to potential responders and the general public, to effect the notification of appropriate response agencies and individuals and to distribute and receive information to and from potential emergency responders and the general public regarding an emergency condition.

(b) The division shall develop and maintain an integrated system for warning the public, which may include the deployment of public warning sirens, the development of voice radio systems, coordination of the mobilization of cable television systems, coordination of the county's participation in the emergency broadcast system, and any other appropriate systems ~~which~~ that may become available.

Sec. 251-408. Emergency powers and procedure.

(a) The mayor shall, via executive order, designate a line of successors to establish which government officials may act in his or her place whenever:

- (1) Under IC 36-3-3-3, the mayor is incapacitated and unable to make a designation and the president of the city-county council, as determined by the rules of succession established by the council, is incapacitated to the extent that he or she is unable to perform the duties as acting mayor; or
- (2) The office of mayor becomes vacant and the chief deputy mayor is unable to assume the duties of that office as provided in IC 3-13-11.

(b) The mayor may, upon declaring a local disaster emergency, take such actions as are appropriate to assure the public well-being, safety of public and private property and the environment including, but not limited to, the imposition of travel bans on streets and highways; the imposition of curfews; the alteration of normal business working hours; the ordering of evacuation and relocation of civilian populations; all as may be necessary to effect emergency response and recovery.

III.

Proposal No. 127, 2010 shall be and hereby is amended by the substitution of a new SECTION 6 for that which appears in the Proposal, to read as follows:

SECTION 6. Section 851-406 of the "Revised Code of the Consolidated City and County," regarding emergency use of cable television facilities, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 851-406. Emergency use of facilities.

(a) In the case if any disaster duly declared by the mayor or other official legally able to declare a disaster, the operator shall, upon request of the mayor, director of public safety or director chief of the city's emergency management division of homeland security, make available to the city for emergency use during the disaster period all facilities, as are necessary, for the term of such disaster.

(b) The system shall incorporate an emergency alert system that permits the city to override the audio portions of all signals on all channels ~~which~~ that the operator may lawfully override. The operator shall design the emergency alert system to permit the city to do the following:

- (1) Access and activate the emergency alert system using a touch-tone telephone and a special security code. The telephone can be connected to the emergency alert system via the local exchange company or a dedicated connection installed by the operator.
- (2) Replace audio on all channels with an emergency message that may be originated from a single location to be designated by the city using a telephone and character generator.
- (3) Play back a prerecorded message over the emergency alert system.

The operator's obligations under this section include the obligation to provide equipment for the system required to ensure the system works and complies with FCC regulations. The operator shall work with the city to develop a plan for the regular testing of the emergency alert system. However, it is the sole responsibility of the city to determine whether and under what circumstances the emergency alert system shall be used for county-wide alerts. City shall indemnify and hold operator harmless for any claim arising from the city's use of the emergency alert system.